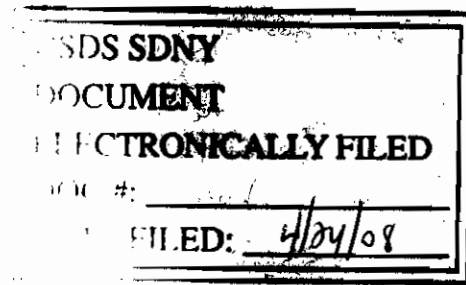


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



\_\_\_\_\_  
FLAKE

Appellants,

-against-

08 Civ. 2489 (CM)

ALPER HOLDINGS USA, INC.,

Appellee.

\_\_\_\_\_  
HARRY HOLT, et al.,

Appellants,

-against-

08 Civ. 3344 (LTS)

ALPER HOLDINGS USA, INC.,

Appellee.

\_\_\_\_\_  
ARMSTRONG,

Appellants,

-against-

08 Civ. 3625 (GBD)

ALPER HOLDINGS USA, INC.,

Appellee.

\_\_\_\_\_  
ADKINS,

Appellants,

-against-

08 Civ.

ALPER HOLDINGS USA, INC.,

Appellee.

\_\_\_\_\_x

MEMORANDUM ORDER GRANTING MOTION  
TO CONSOLIDATE APPEALS

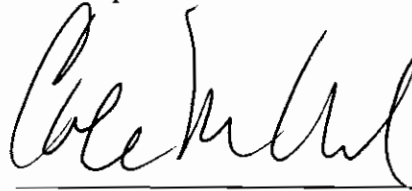
McMahon, J.:

The appellees in the Holt and Armstrong cases have filed motions with Judges Swain and Daniels to consolidate those appeals with the appeal in Flake (which is pending before this court) and Adkins (which, at the time of the filing of the motions, had not yet been wheeled out). Judge Swain referred her motion to me, and I have conferred with both Judges Swain and Daniels. The motion to consolidate the appeals is granted. While the cases raise a variety of issues, some of which are unique to the particular claimant, there is at least one issue, and quite possibly more, that are common to all the appeals.

The Clerk of the Court is directed to transfer the Hold and Armstrong cases to me for consolidation with Flake. If the Adkins case has been assigned, the Clerk should advise this Court who the assigned judge is, and I will discuss consolidation with him or her as well.

The Flake appeal is fully briefed and scheduled for argument and decision on May 9. Work on that decision has already begun. The parties should consult and provide the court with an expedited briefing schedule, so that all the appeals can be disposed of in short order.

Dated: April 24, 2008



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U.S.D.J.

BY FAX TO JUDGES SWAIN AND DANIELS  
BY ECF TO COUNSEL

Dated: April 24, 2008